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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/803,038

03/18/2004

Tomohiro Mori

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EXAMINER

RENDON, CHRISTIAN E

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

06/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/803,038

Applicant(s)

MORI ET AL.

Examiner

Christian E. Rendón

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3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 05/29/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. Regarding claims 17-18, the claimed invention is directed to non-statutory subject matter. A carrier wave is a modulated waveform that represents transmitted information. In other words, a carrier wave is a form of energy that has no physical structure; therefore the transmitted information is intangible.
2. Regarding claim 19, the claimed invention is directed to non-statutory subject matter. The claim language states a "program that is loaded onto an operating device" but fails to state where the program is stored before it is loaded. In other words, the program has no physical state prior to the loading of the program. Therefore claim 19 and its independent claim (1), fail to disclose how this program of executable code is stored.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 8-10 and 13-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Harima (US 6,623,358 B2).

3. Harima discloses a game apparatus loaded with a computer program stored on storage medium that displays a plurality of characters fighting with one another (Abstract) causing special effects (Fig. 11A) to occur in three-dimensional space (col. 9, lines 56-58). Special effects called hit effects are displayed every time an attack 'lands' or makes contact with the other character (col. 2, line 10). The hit effects are used to display where the hit has 'landed' (col. 2, line 14) and the effects can vary depending on the strength of the attack (col. 2, lines 50-51). For example, the

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color of the hit effects depends on the technique of the attack (col. 3, line 58). Harima also discloses special effects that occur when an attack is being performed, like the motion of a kick in one direction and rays of light behind the kick shooting out in the other direction (Figure 5, element 2-1). Changing the transparency of the effects is another disclosed special effect that occurs when a hit is detected (col. 3, line 7). A light source control unit that gradually reduces the strength of the emitted light with respect to time (the number of frames) accomplishes the transparency of the effect (col. 10, lines 47-52). In other words the effect slowly disappears sequentially starting with the portions of the effect that have appeared for the most amount of time, ultimately returning to the state before the hit (col. 10, lines 53-54). Therefore, as a character reels back from a 'landed' attack, the transparency effect increases allowing the effects to fade away.

4. The Office would like to clearly state the definition of animation, "the technique of filming a sequence of drawings or positions of models to create an illusion of movement" (Compact Oxford Dictionary, 3rd edition, Oxford University Press, July 2005). Therefore three-dimensional animation occurs through the use of a model and a 'frame' of this animation is "a single complete picture in a series forming a cinema or video film" (Compact Oxford Dictionary, 3rd edition, Oxford University Press, July 2005) or video game.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harima (US 6,623,358 B2) in view of Pearce (US 6,211,882 B1):

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5. The above description of the invention disclosed by Harima and the limitations they pertain is considered within this art rejection as well. However, Harima fails to disclose the following limitations. Pearce discloses a method for simulating the motion blur of a polygon (Pearce: Abstract).

6. Regarding claims 5-6 and 11, the movement of a polygon in 3D space is mapped through a set of motion vectors (Pearce: col. 3, line 25). A polygon is described in at least two positions, shutter-open (initial position) and shutter-close (final position) and in-between these two positions are polygons created by enough sampling points to provide a sufficient approximation of the color and intensity (Pearce: col. 3, line 66). When multiple polygons are moving as a group, the visible and non-visible polygons that are intersecting one another are analyzed separately due to memory considerations (Pearce: col. 6, lines 23-28). It is inherent that the viewpoint of the polygon during the simulated motion blur is dependent on the motion that is occurring therefore, the final viewpoint can be different from the initial or predetermined viewpoint. It would have been obvious to one of ordinary skill in the art to combine the art disclosed by Harima with the method disclosed by Pearce in order to create another interesting and entertaining special effect that can occur every time a hit is detected.

7. Regarding claim 4, Harima discloses the number of frames or time as the factor used to calculate the rate an effect's transparency should decrease. However, Harima is silent about a decrease in transparency as the distance between the effects and the first object becomes shorter. Pearce discloses a special effect that gives a viewer the impression that an object has moved very quickly. This effect is called simulated motion blur and inherently decreases the transparency of the sampled polygons, the effect, as they merge into the object at its final position, in other words the distance between the effects and the object decreases. As discussed above, the motivation to

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combine these two references is to increase the entertainment value of the art disclosed by Harima by expanding on previously disclosed special effects.

8. Regarding claims 7 and 12, Pearce discloses that the object that is moving in 3D space is tessellated into a polygon (Pearce: col. 3, line 25). In other words, the object is created by a group of smaller polygons. Therefore, Pearce discloses a plurality of parts that can operate accordingly and appropriately to the current situation. As discussed above, the motivation to combine these two references is to increase the entertainment value of the art disclosed by Harima by adding another special effect. This combination would also result in the ability for the program to have different attack regions that can react differently and realistically to once again increase the entertainment value.

Claims 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harima (US 6,623,358 B2) in view of one having ordinary skill in the art.

9. Harima disclosed several representations of plurality effects that can occur when a computer model strikes another model. However Harima is silent about displaying an effect that appears behind a model. It would have been obvious to one having ordinary skill in the art of gaming to have included an effect that appears behind a player as a representation of a 'finishing move'. In the art of fighting games, a 'finishing move' is a character based move used to end a match with style and skill since the button sequence for the move is usually difficult. Therefore, Harima would display a 'finishing move' with the intensity that is associated with it by showing the effects at some point appear behind the attacked model to demonstrate the final move ending the 'life' of the opponent model by ripping a hole into their body.

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Conclusion

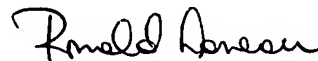
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian E. Rendón whose telephone number is 571-272-3117. The examiner can normally be reached on 9 - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christian E Rendón
Examiner
Art Unit 3714

CER


RONALD LANEAU
PRIMARY EXAMINER
6/21/07